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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

TRAN, ELLEN C

ART UNIT	PAPER NUMBER
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2134

MAIL DATE	DELIVERY MODE
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09/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/976,068

Applicant(s)

HOBEROCK ET AL.

Examiner

Ellen C. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-16 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-16, and 21-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communication: 12 June 2007 with acknowledgement of an original application filing date of 11 October 2001.
2. Claims 1-7, 9-16, and 21-28 are currently pending in this application. Claims 1, 9, 22, 23, 26, and 27 are independent claims.
3. In view of the appeal brief filed on 12 June 2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Response to Arguments

4. Applicant's arguments with respect to independent claims 23 and 27 have been considered but they are moot due to new grounds of rejection.

Applicant's arguments with respect to claims 1-7, 9-16, 21, 22, 24-26, and 28 have been considered but they are not persuasive.

I In response to Applicant's argument beginning on page 12, directed to claims 1 and 9, "In contrast, Lopes teaches: A method and apparatus for continuously authorizing a computer

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for use. A proximity detection system provides a coded message from a badge on an authorized user to a proximity reader ... Thus, Lopes teaches disabling the use of a computer upon failure to detect a coded message on a badge, i.e., proximity card, worn by an authorized user. Lopes has not been shown to teach or suggest the claimed system or method including “placing said equipment or resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input through a keyboard or mouse is received”.

ANSWER – The portion of the claim underlined above is well known in the art as a screen saver with locking feature, this is taught in Lopes in addition see below.

From Lopes col. 2, lines 20-26

“In another aspect, a proximity detection system comprises a proximity detector in communication with the computer. A timer associated with the computer is operable to expire upon non-receipt of an authorizing code from an authorized user of the computer. A disabling module in the computer disables at least one feature of the computer based on an expiration of the timer”

From Lopes col. 6, lines 39-47

“In addition, the proximity system may include a detection of the presence of an object (i.e., a person) synchronously with the detection of an authorized proximity detector. For instance, FIG. 4 shows a process for synchronously detecting the presence of a person in proximity to the computer together with a check of authority of the detected person. In FIG. 4, presence of a person is detected in step 482. Presence may be determined in any of a number of ways, e.g., by detection of a keypress on the keyboard.”

II In response to Applicant’s arguments beginning on page 14, directed to claims 21, 22, 25, and 26, “Thus, claims 22 and 26 recite that a password is entered to initially unlock a piece of office equipment for a predetermined period of time during which a separate identifier can be used instead of the password to unlock the equipment, “with re-entry of said password being

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required to unlock said piece of office equipment [only] after elapse of said second predetermined period of time". Thus Appellant recites, not just initially unlocking a piece of office equipment with a password, but timing a "second predetermined period of time" during which the password need not be re-entered if another identifier, as claimed is used.

ANSWER – This is taught in Lopes, unlocking office equipment with password is well known the disclosure teaches timing period and utilizing another identifier, i.e. proximity card. The 'second period' is understood to be after use is started with a user login.

In addition see below from Lopes col. 5, lines 9-22

"One way of implementing the continuous authorization in accordance with the principles of the present invention is to install a process in the computer 130 which repeatedly (on a timed or other basis) checks to see if the authorizing proximity badge 100 remains within the proximity of the proximity reader 120 of the computer 130. Step 210 accomplishes this implementation by resetting a security counter, which is otherwise incremented either based on computer cycles, time, number of calls to a particular routine in the computer 130, or other basis. Preferably, the counter is based on a safe amount of time that the computer 130 can be left unattended without risking unauthorized use. This safe time is based on the particular application as determined by the user"

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-3, 6, 9-11, 14, and 16, are rejected under 35 U.S.C. 102(a) as being anticipated by Lopes U.S. Patent No. 6,189,105 (hereinafter '105).

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As to independent claim 9, “A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising: timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input is received” is taught in ‘105 col. 2, lines 14-26;

“re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user” is shown in ‘105 col. 2, lines 27-35.

As to dependent claim 10, “wherein said piece of office equipment is a computer or computer terminal” is disclosed in ‘105 col. 2, line 16.

As to dependent claim 11, “further comprising using a proximity card sensor as said lock control device” is taught in ‘105 col. 3, lines 14-31.

As to dependent claim 14, “further comprising accessing a particular application residing on said computer or accessible through said computer terminal by presenting an identifier of said authorized user to said sensor of said lock control device” is shown in ‘105 col. 3, lines 52-62.

As to dependent claim 16, “further comprising: timing periods during which said computer or computer terminal receives no user input; locking up or logging out said computer upon elapse of a pre-determined period during which no user input is received;

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and unlocking or logging in said computer upon operation of said lock control device” is disclosed in ‘105 col. 4, lines 33-51.

As to independent claim 1, this claim is directed to a system of the method of 9; therefore it is rejected along similar rationale.

As to dependent claims 2, 3, and 6, these claims contain substantially similar subject matter as claims 10, 11, and 14; therefore they are rejected along the same rationale.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 21 and 25**, are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘105.

As to dependent claims 21 and 25, the following is not explicitly taught in ‘105 **“further comprising: initially unlocking said computer or computer terminal with entry of at least one password; and allowing a user to subsequently unlock said computer or computer terminal by presentation of said user identifier rather than re-entry of said at least one password”** however ‘105 teaches in col. 8, lines 10-22 “the present invention does not preclude and in fact prefers the use of passwords in addition to the continuous authorization in accordance with the principles of the present invention to provide increased security” in addition “those

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skilled in the art will be able to make various modification to described embodiment of the invention without departing from the true spirit and scope of the invention”.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a proximity detection of a valid computer user taught in ‘105 to include a means to incorporate previously utilized password entry mechanisms. One of ordinary skill in the art would be motivated to make such a modification to because as indicated by the Summary of the Invention the principle of the invention is to enable a computer when a valid user is present and disable the computer when the valid user is not present, also see ‘105 (col. 5, lines 1-7) “For instance, once a suitable password has been entered, complete access to network resources may be granted until the computer is powered down. The present invention provides a continuous check for an authorized user to prevent further operation of the relevant feature of the computer as the authorized user leaves the proximity of the computer”.

8. **Claims 22 and 26**, are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘105.

“As to independent claim 26, “A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising: timing a period during which said equipment receives no user input and placing said equipment or a resource available through said equipment into a locked state upon elapse of a pre-determined period during which no user input is received; and ” is taught in ‘105 col. 2, lines 14-26;

“re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to a sensor of a lock control device connected to said piece of office

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equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user" is shown in '105 col. 2, lines 27-35

the following is not explicitly taught in '105

"further comprising: initially unlocking said computer or computer terminal with entry of at least one password; and allowing a user to subsequently unlock said computer or computer terminal by presentation of said user identifier rather than re-entry of said at least one password" however '105 teaches in col. 8, lines 10-22 "the present invention does not preclude and in fact prefers the use of passwords in addition to the continuous authorization in accordance with the principles of the present invention to provide increased security" in addition "those skilled in the art will be able to make various modification to described embodiment of the invention without departing from the true spirit and scope of the invention"

"unlocking said piece of office equipment with said identifier for a second predetermined period after entry on of said at least one password, with re-entry of said password being required to unlock said piece of office equipment after elapse of said second predetermined period of time, said second predetermined period of time being longer than said first predetermined period of time" however '105 teaches "Step 212 checks the value of the security counter to determine if it is time to check for the presence of the proximity badge 100. If the security timer has not yet reached its present maximum value (determined by the user based on their particular needs), then step 2112 repeats. Once the security counter has reached the maximum count, i.e., the point at which it is desired to check for the presence of the proximity badge 100, then the process return to step 202 to search for the

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receipt of the coded message” in col. 5, lines 23-39 as well as ‘105 teaches in col. 8, lines 10-22 that alteration with password and variations are within the scope of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a proximity detection of a valid computer user taught in ‘105 to include a means to incorporate previously utilized password entry mechanisms. One of ordinary skill in the art would be motivated to make such a modification to because as indicated by the Summary of the Invention the principle of the invention is to enable a computer when a valid user is present and disable the computer when the valid user is not present, also see ‘105 (col. 5, lines 1-7) “For instance, once a suitable password has been entered, complete access to network resources may be granted until the computer is powered down. The present invention provides a continuous check for an authorized user to prevent further operation of the relevant feature of the computer as the authorized user leaves the proximity of the computer”.

As to independent claim 22, this claim is directed to a system of the method of claim 26; therefore it is rejected along similar rationale.

9. **Claims 4, 5, 7, 12, 13, 15, 24, and 28**, are rejected under 35 U.S.C. 103(a) as being unpatentable over ‘105 in view of Gulick et al. U.S. Patent No. 6,823,451 (hereinafter ‘451).

As to dependent claim 12, the following is not explicitly taught in ‘105: **“further comprising using a magnetic card reader as said lock control device”** however ‘451 teaches a card reader as a lock control device in col. 8, lines 46-56.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a proximity detection of a valid computer user taught in ‘105 to include a means to incorporate various mechanisms into the lock control device. One of ordinary skill in the art

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would be motivated to make such a modification to because as indicated in '105 various modifications can be performed without departing from the scope of the invention see '105 (col. 8, lines 17) "While the invention has been described with reference to the exemplary preferred embodiment thereof, those skilled in the art will be able to make various modification to the described embodiment of the invention without departing from the true spirit and scope of the invention" as well as '105 col. 3, lines 52-63 ""The communication between the proximity badge 100 and the proximity reader 120 may be wireless radio frequency (RF), or infrared (IR) optics) .. of the proximity reader".

As to dependent claim 13, "further comprising connecting said lock control device to said computer or computer terminal via a connector that also connects a keyboard to said computer or computer terminal" is disclosed in '451 col. 8, lines 46-56 and '451 col. 1, lines 57-65.

As to dependent claim 15, "further comprising accessing a network server on a computer network to which said computer is connected by presenting an identifier of said authorized user to said lock control device" is shown in '451 col. 47, line 59 through col. 48, line 3.

As to dependent claim 28, wherein said identifier comprises a biological characteristic of said user" is shown in '451 col. 8, lines 46-56.

As to dependent claims 4, 5, 7, and 24, these claims contain substantially similar subject matter as claims 12, 13, 15, and 28; therefore they are rejected along similar rationale.

10. **Claims 23 and 27,** are rejected under 35 U.S.C. 103(a) as being unpatentable over '105 in view of Kolls U.S. Patent No. 6,609,102 (hereinafter '102).

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As to independent claim 27, **“A method for controlling use of a piece of office equipment or a particular resource available through that piece of equipment, said method comprising: timing a period during which said equipment receives no uses input and placing said equipment or resource available through said equipment into a locked state upon elapse of a pre-determined period during with no use input is received; and”** is taught in ‘105 in col. 2, lines 14-26;

“re-enabling operation of said piece of office equipment or a resource available through that office equipment to an authorized user upon presentation of an identifier of said authorized user to said sensor of a lock control device connected to said piece of office equipment, wherein said sensor senses and recognizes said identifier to identify said authorized user” is shown in ‘105 col. 2, lines 27-35;

the following is not explicitly taught in ‘105: **“where said identifier comprises a credit card”** however ‘102 teaches the use of a credit to operate office equipment such as a PC in col. 5, lines 16-43.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify a proximity detection of a valid computer user taught in ‘105 to include a means to incorporate the use of ‘credit cards’. One of ordinary skill in the art would be motivated to make such a modification to because business centers have emerged with a need for locking devices to overcome the shortcomings in the ‘manned center’ see ‘102 (col. 1, lines 31-39 and col. 3, lines 24-36) **“Today, business centers have begun to emerge in hotel lobbies, retail outlets, shopping malls, airports, and other public access areas. A typical business center can offer copying, and faxing, among other types of products and services. Furthermore, some business**

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centers even make a PC available for general computing tasks, printing, or access to online services. Generally, there are two types of business center classifications, the "manned center" and the "unmanned center" ... Deficiencies and shortcomings that are common to both the "manned center" and coin-cash-card based "unmanned center" are numerous. These shortcomings can include the inability to implement and offer a worldwide brand/loyalty program to customers, and the inability to have interactive marketing (advertising) distributed worldwide at the point of sale. Further shortcomings include the inability to integrate into or retrofit onto existing POS and PMS/MIS systems, as well as other retail, management, and corporate networks. Another limitation includes the inability to accept a universal variety of payment means such as coin, cash, smart card, magnetic card, biometric input, and room keys/card to name a few".

As to independent claim 23, this claim is directed to a system of the method of claim 27; therefore it is rejected along similar rationale.

Conclusion

11 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen C Tran whose telephone number is (571) 272-3842. The examiner can normally be reached from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ET

Ellen Tran
Patent Examiner
Technology Center 2134
21 September 2007


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